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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,826

04/09/2004

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L116US

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30368

7590

09/15/2008

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EXAMINER

REZA, MOHAMMAD W

ART UNIT

PAPER NUMBER

2136

MAIL DATE

DELIVERY MODE

09/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/821,826	Applicant(s) HERMAN, BARRY STEVEN	
	Examiner MOHAMMAD W. REZA	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/26/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the arguments filed on 02/26/2008.
2. Claims 1-20 are pending in the application.
3. Claims 1-20 have been rejected.

Response to Amendment

4. The examiner approves the amendments made to claims 1, 12, 17.
5. The examiner withdraws the previous 101 rejection regarding claims 17-20 as necessary amended has been made to the claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-20 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. All the independent claims added the limitations "wherein the default value comprises a default password provided by a manufacturer of the computer program at a time prior to the backdoor key being generated and provided". Examiner could not find anywhere in

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the specification and figure has the written description support for the newly amended part of the limitations. Necessary correction is required.

Response to Arguments

7. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swift et al hereafter Swift (US patent 5,719,941) in view of Cagle et al hereafter Cagle (US Patent 6,871,286).

9. As per claim 1, Swift discloses a method comprising: generating an encrypted backdoor key; providing the backdoor key to the computer program; comparing the backdoor key to a computed value; and resetting the key to a default value if the backdoor key matches the computed value (col. 3, lines 26-31, 42-67, col. 4, lines 1-13, lines 22-36, col. 7, lines 48-67, col. 9, lines 50-63, col. 10, lines 10-35). He does not

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expressly discloses wherein the default value comprises a default password provided by a manufacturer of the computer program at a time prior to the backdoor key being generated and provided. However, in the same field of endeavor, Cagle discloses wherein the default value comprises a default password provided by a manufacturer of the computer program at a time prior to the backdoor key being generated and provided (Col. 6, lines 1-35, col. 5, lines 20-45).

Accordingly, it would be obvious to one of ordinary skill in the network security art at the time of invention was made to have incorporated Cagle's teachings of using the manufacturer password as the default password with the teachings of Swift, for the purpose of suitably resetting the backdoor key to the default password.

10. As per claim 2, Swift discloses the method wherein the encrypted backdoor key is generated using selected factors including at least one of a timestamp, or an identifier associated with the computer program (col. 4, lines 1-13, lines 22-36, col. 7, lines 48-67, col. 9, lines 50-63).

11. As per claim 3, Swift discloses the method wherein the identifier is associated with a computer on which the computer program executes (col. 7, lines 48-67, col. 9, lines 50-63, col. 10, lines 10-35).

12. As per claim 4, Swift discloses the method wherein the identifier is selected from the group comprising: license number of the computer program, IP address of the computer, CPU identification number of the computer, and an identifier associated with a hardware configuration of the computer (col. 3, lines 26-31, 42-67, col. 4, lines 1-13, lines 22-36, col. 7, lines 48-4).

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13. As per claim 5-7, Swift discloses the method wherein the timestamp represents a future time, wherein the selected factors include a random seed, and wherein the random seed comprises a timestamp (col. 7, lines 48-67, col. 9, lines 50-63, col. 10, lines 10-35).

14. As per claim 8-11, Swift discloses the method wherein generating the encrypted backdoor key includes performing a 1-way function on the selected factors, wherein the 1-way function includes Secure Hash Algorithm, generating the computed value using the 1-way function and the selected factors, and wherein resetting the key includes instructing a database system to reset the key to the default value (col. 4, lines 1-13, lines 22-36, col. 7, lines 48-67, col. 9, lines 50-63).

15. As per claim 12, Swift discloses a system comprising a computer configured to: receive a backdoor key; compare the backdoor key to a computed value; and reset the key to a default value if the backdoor key matches the computed value (col. 3, lines 26-31, 42-67, col. 4, lines 1-13, lines 22-36, col. 7, lines 48-67, col. 9, lines 50-63, col. 10, lines 10-35). He does not expressly disclose wherein the default value comprises a default password provided by a manufacturer of the computer program at a time prior to the backdoor key being generated and provided. However, in the same field of endeavor, Cagle discloses wherein the default value comprises a default password provided by a manufacturer of the computer program at a time prior to the backdoor key being generated and provided (Col. 6, lines 1-35, col. 5, lines 20-45).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 12.

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16. As per claim 13-14, Swift discloses the system comprising a remote computer configured to generate the backdoor key, wherein the computer is configured to generate the computed value (col. 4, lines 1-13, lines 22-36, col. 7, lines 48-67, col. 9, lines 50-63).

17. As per claim 15-16, Swift discloses the system wherein the key is associated with an administrator account for accessing the computer program, wherein the computer program executes on the computer (col. 3, lines 26-31, 42-67, col. 4, lines 1-13, lines 22-36, col. 7, lines 48-67).

18. As per claim 17, Swift discloses a computer program product for: receiving a backdoor key; comparing the backdoor key to a computed value; and resetting the key to a default value if the backdoor key matches the computed value (col. 3, lines 26-31, 42-67, col. 4, lines 1-13, lines 22-36, col. 7, lines 48-67, col. 9, lines 50-63, col. 10, lines 10-35). He does not expressly disclose wherein the default value comprises a default password provided by a manufacturer of the computer program at a time prior to the backdoor key being generated and provided. However, in the same field of endeavor, Cagle discloses wherein the default value comprises a default password provided by a manufacturer of the computer program at a time prior to the backdoor key being generated and provided (Col. 6, lines 1-35, col. 5, lines 20-45).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 17.

19. As per claim 18, Swift discloses the computer program product comprising a database system configured to store the key, and wherein resetting the key includes

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instructing the database system to reset the key (col. 4, lines 1-13, lines 22-36, col. 7, lines 48-67, col. 9, lines 50-63).

20. As per claim 19, Swift discloses the computer program product comprising code for generating the computed value by applying a 1-way function to at least one of a timestamp, an identifier associated with the computer program, or an identifier associated with a computer on which the computer program executes (col. 7, lines 48-67, col. 9, lines 50-63, col. 10, lines 10-35).

21. As per claim 20, Swift discloses the computer program product wherein the key is associated with an administrator account for accessing the computer program (col. 7, lines 48-67, col. 9, lines 50-63, col. 10, lines 10-35).

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad w. Reza whose telephone number is 571-272-6590. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **MOAZZAMI NASSER G** can be reached on **(571)272-4195**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Nasser G Moazzami/

Mohammad Wasim Reza

Supervisory Patent Examiner, Art Unit 2136

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